

MINUTES OF THE PLANNING COMMISSION MEETING OF JANUARY 03, 2007 AT 6:00 P.M. HELD IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER.

MEMBERS PRESENT: Tom Bowen, Geoff Armstrong, Sue Ryser, Jerri Harwell, Doug Haymore, Gordon Nicholl, Amy Rosevear, Jim Keane, JoAnn Frost

STAFF PRESENT: Planning Director Michael Black, Associate Planner Glenn Symes, Planning Intern Bill Cobabe, City Attorney Shane Topham, City Engineer Brad Gilson, Planning Coordinator Sherry McConkey

OTHERS PRESENT: Mahmoud Shabazi, David Harriman, Sylvia Isom, James Isom, Jennifer Petersen, Todd Petersen, Kari Smith, Suzanne Fankhauser, Dana Walton, John Gust, Carolyn Erickson, Chris Burke, Ron , Debbie W, Mike Draper, Marilyn Oakey, Bruce Oakey, Chuck O'Brien, Allan Packer, Elke Kirsten-Brauer, Mark Johnson, Stan Nielson, Valli Durham, Steve Wiscomb, Mike Kibby

Chair Bowen called the meeting to order and explained items 3, 6, 7, and 8 have been cancelled and would not be heard at this meeting.

1.0 PUBLIC COMMENT

1.1 No public comment was given.

2.0 PUBLIC HEARING – ZONE CHANGE – ARBOR HOMES

2.1 Mr. Black explained this is a zone change request from RR-1-43 to RR-1-29 for 19.57 acres of property located at 1805 E. Pelton Drive otherwise known as Cottonwood Meadows. Mr. Black stated the RR-1-29 zone is a new zone to the City and it is staff's recommendation to approve the request for zone change from RR-1-43 to RR-1-29.

2.2 John Gust representing Arbor explained that they have spent a lot of time meeting with the neighbors and believes they have received positive feedback on the zone change from the neighbors.

2.3 Chair Bowen opened the public hearing.

2.4 Howard Norton, Caballero Ranches is concerned that the 2/3 acres zoning will amount to a small lot PUD and is opposed. Mr. Norton believes that the lots will be reduced to less than ½ acre.

2.5 Chair Bowen explained that this issue would come back to the Planning Commission to address the conditional use application.

2.6 Alan Packer, Siesta Drive, would like to have the commissioners remember previous discussions with the neighbors and their concerns. Please include conditions to their decision tonight.

- 2.7 Mark Johnson reminded the commission about the previous discussions of density and the calculations that staff had used. Mr. Johnson asked the commission to consider density and not square footage.
- 2.8 Ron Walthious, Siesta Drive stated that he has followed the process and that the hearing at Butler Middle seemed productive and helpful to the citizens to express there concerns. He wanted to restate the issues of density and believes that the property should be limited to higher acre lot sizes.
- 2.9 Jeff Turner explained that the integrity of the neighborhood would be better served by the mix of lot sizes and is in favor of the 2/3 acres zoning.
- 2.10 Chair Bowen closed the public hearing.
- 2.11 **MOTION:** Mr. Haymore moved to recommend approval of the zone change from RR-1-43 to RR -1 -29 for property located at 1805 E. Pelton Drive. The motion was seconded by Mr. Nicholl.
- 2.12 Mr. Haymore stated his belief is that the new zone encompasses everything that the surrounding property owners have asked for and helps to preserve open space.
- 2.13 Mr. Nicholl explained that this is not the last step for this project; the project will come back with site plans at a future date and wanted to assure the citizens that they will be looked at very carefully.
- 2.13 Ms Ryser stated that after months of meetings and struggles, that this zone is the best for all concerned. Ms. Ryser reiterated that Arbor will bring the site plans back in front of the commission for approval.
- 2.14 Ms. Frost explained that this zone gives the commission the ability to do what they wanted and the next step will be to see the site plans. Ms. Frost stated that the community has voiced there opinions and made it possible for the commission to make an educated decision.
- 2.15 Motion passed 8-1 with Mr. Keane opposed.
- 3.0 **PUBLIC HEARING – ZONE CHANGE – MAHMOUD SHAHBAZI**
- 3.1 Mr. Symes explained the applicant Mahmoud Shabazi had applied for a zone change from R-1-8 to NC (Neighborhood Commercial) for property located at 1515 and 1525 E. Fort Union Blvd. The request is consistent with the general plan and staff is recommending approval.
- 3.2 Chair Bowen opened the public hearing
- 3.3 No public comment was given.
- 3.4 Chair Bowen closed the public hearing.

- 3.5 **MOTION:** Mr. Haymore moved to approve the zone change for the property located at 1515 and 1525 E. Fort Union Blvd., from R-1-8 to Neighborhood Commercial. The motion was seconded by Ms. Frost.

- 3.6 Chair Bowen stated he was concerned with the impact of traffic on Fort Union.

City Engineer Brad Gilson discussed improvements to signals on Fort Union and Park Centre that should relieve some of the burden on Fort Union.

- 3.8 Motion passed 8-1 with Chair Bowen opposed.

4.0 **PUBLIC HEARING – SUBDIVISION PLAT AMENDMENT – JAMES AND SYLVIA ISOM**

- 4.1 Mr. Symes explained that this is for a Plat Amendment for property located at 8314S. Danish Road. The applicant James and Sylvia Isom have applied for a plat amendment to allow for subdividing the property. Mr. Symes explained that the plat had notations on it that limited access on to Danish Road. Staff has received numerous letters that were received the day of the meeting and the commission will need time to listen to public comment. Mr. Symes suggested continuing this item until January 17, 2007 to allow time to evaluate new information.

- 4.2 Sylvia Isom spoke to the commission about her property, she explained that the lot is large enough to be split, and stated that a property adjacent to hers had been subdivided. Ms. Isom stated that there is curb and gutter and no vision impairment. Ms. Isom explained that the wall that runs down the back of the property is owned by her and not Monte Luca.

- 4.3 Chair Bowen opened the public hearing.

- 4.4 Carrie Smith explained that the road is very wide and does not see a problem with approving this application.

- 4.5 Mike Draper explained that the issues with access the property off of Danish would not be a problem and would in fact be safer than the current access.

- 4.6 Susan Pinkhouser stated that there would not be a safety issue if the amendment is approved.

- 4.7 Todd Peterson explained that he rides his bike on Danish and has never had a problem in this particular area.

- 4.8 Mike Kibby 8341 Via Riverera Way explained that there are several issues with this development. There will be a site issue with traffic if the wall is cut. The steepness of the lot would cause it to be unbuidable. The height of the home would also create a problem with the property values due to the height. There is a problem with runoff as well and there is no place for the water to go, it would

create a bigger pond. Mr. Kibby is opposed to the amendment and asked the commission to deny the application the drainage issue is fixed.

4.9 Sylvia Isom explained that the Steeds had built the wall and that Monte Luca continued the wall on her property. The drainage issue would be addressed with back fill. A 25 foot section plus 15 feet of the wall would be coming down and would solve the view issue. The water runoff is noted on the plan as a storm water runoff.

4.10 Dave Goff, Glacier Land was the contractor that built the wall and the water runoff issue needs to be addressed prior to building any additional home son this land.

4.11 Chair Bowen closed the public hearing.

4.12 Ms. Frost asked if the drainage issue had been addresses.

Mr. Gilson stated that there may be a global runoff problem, which has not been researched to this point.

4.13 **MOTION:** Mr. Nicholl moved to continue this item to the January 17, 2007 meeting to allow the commission time to do additional research. Mr. Haymore seconded the motion.

4.14 Mr. Haymore noted that the plat states the wall can not be removed and needs additional time.

4.15 Mr. Black states that there is a notation on the current plat that the wall cannot be torn down and that the applicant had asked to remove the information from the plat.

4.16 Mr. Armstrong asked Dave Goff if the water comes down the back side.

Dave Goff stated that every time it rains it runs into Monte Luca and that Northwest corner would be a lake. Monte Luca is not designed to take on the additional water if the wall comes down. This is the wall on the west and north side of Monte Luca.

4.17 Mr. Nicholl reiterated that the commission will need additional time to research.

4.18 MOTION to continue this item until January 17, 2007 with written comments being accepted until January 10, 2007 passed unanimously on voice vote.

5.0 PUBLIC COMMENT ON SHORT TERM RENTALS

5.1 Chris Burke stated this is a nuisance house and is very opposed. Mr. Burke submitted a petition signed by 23 people that are opposed to this rental and a copy of the website where a short term rental for the city was posted and showed where they had advertised accommodations of up to 20 people which is in direct violation of the code.

- 5.2 Bruce Oakey, 3556 E. Sutton Court, stated there have been several problems with short term rentals in regards to traffic, noise, and appearance.
- 5.3 James Calms 7981 S. Sutton Way stated that the property in question is in his backyard. This property has multiple tenants in excess of the approved short term rental ordinance. This property is a high liability and would be uninsurable. From a nuisance standpoint he has had no problems but believes the encroachment of commercial is bad. This should be a long term rental and not a short term rental. If this is approved at 600.00 a day x 30 days per month there will be a flood of applicants.
- 5.4 Teresa Ellis 8965 S. Sutton Way stated that this house is a nuisance and has had several issues with parties out past 3 am and calling her names and occupants throwing trash everywhere.
- 5.5 Dale Akin 8928 S. Sutton Way states that there are loud parties happening all the time at the short term rental in his neighborhood and supports all of the people that have voiced an opinion at this meeting.

Chair Bowen closed this portion of the meeting and asked for public comment in writing to the city office.

6.0 REVIEW ITEM – AMENDMENTS TO TITLE 19 – PLANNED UNIT DEVELOPMENT

- 6.1 Mr. Black gave an update to the commission on the re-write of this ordinance and asked for their suggestions.

7.0 APPROVAL OF 2007 PLANNING COMMISSION MEETING SCHEDULE

- 7.1 The commission approved the amended meeting schedule for 2007

8.0 APPROVAL OF MINUTES

- 8.1 Ms. Frost moved to approve the minutes for November 15, 2006 with changes. The motion was seconded by Mr. Haymore and passed unanimously on voice vote.

8.0 PLANNING DIRECTOR'S REPORT

- 8.1 Mr. Black gave the commission an overview of projects.

- 9.0 **MOTION:** Ms. Ryser moved to adjourn the meeting. The motion was seconded by Ms. Frost and passed unanimously on voice vote.

Meeting adjourned at 9:01 p.m.

Approved: 2-21-07 sm